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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,939

07/25/2003

Roberto Gonzalez Gonzalez

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,939

Applicant(s)

GONZALEZ ET AL.

Examiner

Joseph C. Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10-25, 27-29 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, 10-25, 27-29, 31-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Final Rejection

Applicant's arguments filed 5/04/07 have been fully considered but they are not persuasive for reasons detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-8, 11-25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard et al. ("Howard") (US 6,386,537).

Howard (Fig. 1-10) teaches a printing apparatus and method for distributing print media comprising

at least one input roller (Fig. 5, 6, 10; col. 3, ln. 34-57) that transports the print media to a staging location (sheet supporting surface in 2) the accumulator,

a registration module (Fig. 8b; col. 5, ln. 3-13 teaching use of rollers and registration walls to perform finishing operation of alignment on plurality of sheets),

an accumulator (11a including staging surface near 25 and surface near 32d, 41 and configured to accumulate and support a plurality of sheets as shown in fig. 10, wherein side brackets 31d, 32d are capable of registering sheets) pivotable about an

axis (pivotal movement shown in fig. 10), the accumulator having a print media inlet (near 21) and a print media outlet (near 42),

an actuator (motor 101 coupled to controller 18; col. 4, ln. 12-22) configured to pivot the accumulator about the axis,

a belt having a protrusion that transports the print media out of the accumulator through the print media outlet (pusher 31d; col. 3, ln. 14 et seq. teaching means for transporting print media through accumulator), and

a first output bin (Fig. 5 near 43) and a second output (under 44) bin aligned to receive print media discharged from the accumulator; and the first output bin and the second output bin are stationary relative to the axis. Here, the claimed method steps cited above are performed in the normal operation of the device cited above. Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus does not limit apparatus claims. See MPEP 2115. Thus, the surface area of the staging location can be regarded as less than the size of the print media in the device claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, 10-25, 27-29, 31-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard in view of Mandel et al. ("Mandel")(US 5,382,012) and Mestre (US 3,356,362).

Howard as set forth above teaches all that is claimed except for expressly teaching an image forming device, an actuator comprises a gear assembly for transferring rotational movement and teaching a registration device of a stapler. These features, however, are all well known in the sheet feeding arts. For instance, Mandel teaches a mailboxing sheet system with these features (Abstract teaching image forming device; Fig. 1-3; col. 5, ln. 40-55, col. 10, ln. 56-col. 12, ln. 24 teaching longitudinal and lateral registration using rollers and stapler 97 for compiling). Here, the steps of integrated, automated registration and compiling provide the common-sense benefit of saving the user time from performing a manual task and the image forming device can be regarded as a critical component for creating actual images on the printed sheets. Further, Mestre teaches a pivotable accumulator with the claimed gear assembly (Fig. 1, gearing assembly) and this assembly can be regarded as an art recognized equivalent to the pivot device taught by Howard as it performs the same function within the sheet feeding arts. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Howard with the features cited above as these are all common features in the sheet feeding arts that are commonly found on devices such as that taught by Howard.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive in view of the newly formulated rejection set forth above.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the belt having a protrusion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Claim Objections

Claims 1, 14 and 31 are objected to because of the following informalities:

These claims should read "out of the accumulator" (ln. 6-7). Appropriate correction is required.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**. The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Application/Control Number: 10/626,939
Art Unit: 3653

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Signed by Examiner /Joseph Rodriguez/

Jcr

August 2, 2007

A handwritten signature in black ink, appearing to be 'JR' with a long, sweeping horizontal stroke extending to the right.